

have examined this application and find that it is: ☒ not an "action".

APPLICATION FOR PERMIT

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

RECEIVED

JAN 19 1993

DEPT. OF ECOLOGY

☒ SURFACE WATER

☐ GROUND WATER

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

SIGNATURE

(GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. 5126875 W.R.I.A. 1 COUNTY Whatcom PRIORITY DATE 1-19-93 TIME SS ACCEPTED SS

APPLICANT'S NAME — PLEASE PRINT

Bus. Tel. _____

Home Tel. _____

Other Tel. _____

ADDRESS (STREET) MABERY PAVING INC. (CITY) LYNDEN (STATE) WASH. (ZIP CODE) 98264
816 Louis Trail Rd.

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION

January 1983, Lynden, WA

1. SOURCE OF SUPPLY

IF SURFACE WATER

IF GROUND WATER

SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)

SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)

Dakota Creek

TRIBUTARY

SIZE AND DEPTH

2. USE

USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)

ENTER QUANTITY OF WATER REQUESTED USING UNITS OF:

CUBIC FEET PER SECOND (CFS)

OR

GALLONS PER MINUTE (GPM)

ACRE FEET PER YEAR

29 15 cfs during irrig season per conversation to Marty 1/17/93 - needs less.

TIMES DURING YEAR WATER WILL BE REQUIRED

April THROUGH October

IF IRRIGATION, NUMBER OF ACRES

55

IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC.

IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY

DATE PROJECT WAS OR WILL BE STARTED

DATE PROJECT WAS OR WILL BE COMPLETED

3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL

3A. IF IN PLATTED PROPERTY

LOT BLOCK OF (GIVE NAME OF PLAT OR ADDITION) SECTION TOWN RANGE ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION

3B. IF NOT IN PLATTED PROPERTY

ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION, SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER

ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SECTION TOWNSHIP N. RANGE (E. OR W.) W.M. COUNTY
N¹/₂ OF S¹/₂ OF NE¹/₄ OF NW¹/₄ 13 40 1E Whatcom

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY. OR, COPY CAREFULLY IN THE SPACE BELOW.

irrigated Acreage included in HIGHLIGHTED MAP

#1 Legal: The N¹/₂ OF SE¹/₄ OF NW¹/₄ together with S¹/₂ OF S¹/₂ OF NE¹/₄ OF NW¹/₄
All in Section 13 Twp 4 N 2 R 1E Wm Whatcom County

OTHER TWO LEGALS INCLUDED IN HIGHLIGHT MAP BY NUMBERS
2 + 3

WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)

Property owner

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)

☐ YES ☒ NO

IF YES, FROM WHAT SOURCE (i.e. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

- 7 1/2 H.P. Pump
- Water used to transfer to pond (infiltration pond) then
Pumped on acreage - System used is a Traveler (Big
Gun System with 40 H.P. Motor in Infiltration Pond.
Drip System may be considered in future.

REMARKS

7. Water Right Split Between Maberry Packing &
Guy Jansen when property was split 7 years ago with
Jansen keeping the original point of withdrawal on his.

8. COMPLETE THIS SECTION ONLY IF THIS
APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.
2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY.
3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.

YES ☐ NO ☒
YES ☐ NO ☒
YES ☐ NO ☒

IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED, TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

Maberry Packing Inc.
LEGAL LANDOWNERS NAME
(PLEASE PRINT)

Marty Maberry
APPLICANT'S SIGNATURE

Marty Maberry V.P.
LEGAL LANDOWNER'S SIGNATURE (OWNER OF PROPERTY
DESCRIBED IN ITEM NUMBER 5)

816 Loams Trail Rd. Lynden
LEGAL LANDOWNER'S ADDRESS
WASH. 98264

FOR OFFICE USE ONLY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

ss.

This is to certify that I have examined this application together with the accompanying maps and data,
and am returning it for correction or completion as follows:

.....
.....

In order to retain its priority date, this application must be returned to the Department of Ecology, with
corrections, on or before, 19.....

Witness my hand this day of, 19.....

FIRST AMERICAN

First American Title
INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE:

Filed for Record at Request of

Name JAMES A. WYNSTRA, Attorney at Law

506 W. Grover St., Suite 101

Address P.O. Box 409

City and State Lynden, WA 98264-0409

LEGALS OF IRRIGATED ACREAGE

Statutory Warranty Deed

THE GRANTOR OLEG A. PRICE, a single man

for and in consideration of ten dollars and other good and valuable consideration

in hand paid, conveys and warrants to MABERRY PACKING, INC., a Washington corporation

the following described real estate, situated in the County of Whatcom, State of Washington:

#2
PARCEL A: BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M., THENCE SOUTH 330 FEET ALONG THE WEST BOUNDARY OF THE SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 13, THENCE EAST 660 FEET PARALLEL TO THE NORTH BOUNDARY, THENCE NORTH 330 FEET, THENCE WEST 660 FEET TO THE POINT OF BEGINNING.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

PARCEL B: A 15 FOOT EASEMENT FROM THE EASTERLY BOUNDARY OF THE ABOVE DESCRIBED PROPERTY TO THE STEIN ROAD FOR INGRESS AND EGRESS WHICH 15 FOOT EASEMENT IS ADJACENT TO AND PARALLEL WITH THE NORTHERLY BOUNDARY OF THE FOLLOWING DESCRIBED PROPERTY: THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 1 EAST OF W.M.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

SUBJECT TO: (1) Easement as granted by instrument recorded August 11, 1965, under Whatcom County Auditor's File No. 991932 to PUGET SOUND POWER & LIGHT COMPANY; and (2) Conditions disclosed by a Survey of said premises recorded May 22, 1974, in Book 11 of Surveys, Page 12, under Whatcom County Auditor's File No. 1162288.

Dated this 7th day of October, 1986.

(SEAL)

First American Title
INSURANCE COMPANY

Filed for Record at Request of

Name..... William A. MABERRY
c/o 1st American Title Co.
Address..... 109 Grand Ave.
City and State..... Bellingham, WA 98225

THIS SPACE RESERVED FOR RECORDER'S USE.

RECORDED
FIRST AMERICA TITLE
CO. OF BELLINGHAM
8:30 A.M.

JUL 14 1983

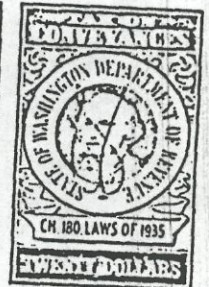
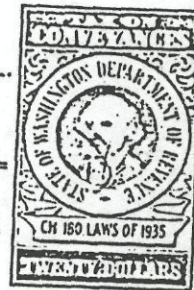
VOL _____ Page _____
REQUEST OF _____
JOAN OGDEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY



1453478

3361/11493

Statutory Warranty Deed



THE GRANTOR

FORREST S. DUNKIN and PEARL DUNKIN, husband and wife

for and in consideration of ---NINETY THOUSAND AND NO/100THS---

in hand paid, conveys and warrants to WILLIAM A. MABERRY, a married man

the following described real estate, situated in the County of Whatcom, State of Washington:

#3
The South half of the Southeast quarter of the Northwest quarter AND the North half of the Northeast quarter of the Southwest quarter of Section 13, Township 40 North, Range 1 East, W.M., in Whatcom County, Washington; EXCEPT beginning at the Southeast corner of the North half of the Northeast quarter of the Southwest quarter of said Section, Township and Range; thence West along the South boundary 456½ feet; thence North parallel to the East boundary 670 feet; thence East parallel to the South boundary 456½ feet; thence South 670 feet to the point of beginning; ALSO EXCEPT the North 330 feet of the South half of the Southeast quarter of the Northwest quarter thereof; ALSO EXCEPT County Road.

Situate in County of Whatcom, State of Washington

CERTIFICATE OF EXEMPTION

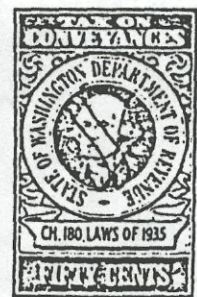
THE LAND DIVISION DESCRIBED IN THIS
DOCUMENT IS EXEMPT FROM THE WHATCOM
COUNTY SUBDIVISION REGULATIONS, AS C

Dated this 8.12.030.2 13 day of

2 July 1983

BY NORTH YEAR

July



, 1983